

If Democrats Controlled the House...

A Weekly Taste of Their Legislative Agenda

July 20, 2012



Proposal: H.R. 137, Fairness in Political Advertising Act

Sponsor: Rep. Marcy Kaptur (D-OH)

Summary: This legislation forces all licensed broadcast and cable television stations to provide free broadcast time to all qualified political candidates in equal amounts every election cycle. It requires stations to provide at least half of this time for free during peak watching hours, and the total quantities of free air time must be at least two hours per year, of which one half must be included in the three weeks before the election.

Problems with the Bill: Television stations make money from their usage of air time and allotment of advertising, and the limited advertising time during peak hours is a commodity with a considerable financial price tag. It is simply wrong for the federal government to step in and take the station's air time, as doing so prevents the stations from earning the funds they would otherwise gain by selling this time. This action amounts to taking private property from broadcast and cable stations and forcing the stations to air the advertisements of even political candidates with whom they disagree without receiving a dime in return. The penalty the government would impose for refusing to relinquish this private property, or for in effect funding a political opponent, is the revocation of the station's license.

Political candidates should be allowed to air their views, and open debate is important in a vibrant democracy. However this fact does not give current and aspiring politicians a right to take money away from every channel in America in order to increase their odds of gaining elected office. Having the right to freely air ones views is not the same as a right to air one's views on somebody else's air time for free. It is one thing to cultivate free and open debate, and quite another to force television stations to give up prime advertising time and provide it to people were not willing to pay for it themselves. The ones who are willing to make sacrifices and the ones whose businesses are on the line are both being hit by this policy, while the ones who were unwilling to pay for the air time (or unable to raise the support to do so) profit from it. This scenario does not constitute 'fairness,' as the title of the bill implies; it constitutes the opposite.

Reminder: RSC staffers and interns are encouraged to send other examples of questionable legislation to Rick.Eberstadt@mail.house.gov.